

**SHELTER HARBOR FIRE DISTRICT
BOARD OF GOVERNORS MEETING**

Draft Minutes

Saturday, October 2, 2010, at 9 A.M.

Shelter Harbor Inn

10 Wagner Road

Shelter Harbor

Westerly, RI 02891

I. Call to Order and Roll Call

The Moderator called the meeting to order taking roll call. Members present: Gail Mallard, Moderator; Tom Lloyd, Vice Moderator; Glen Berwick, Treasurer, Elly Heyder, Mark Pratt, Jack Waters, Mary Harrop, John Bruno, Peter Ruggiero, Counsel, Nonie Price, Clerk.

II. Approval of Minutes of July 10, 2010

A motion was made and duly seconded to approve the minutes of July 10, 2010. There was no discussion. The motion was carried and minutes were approved as presented.

III. Announcements

The SHFD BOG sends it condolences to the family of Angelo Rainaldi.

A thank you note was received from The Salt Ponds Coalition for the SHFD contribution of \$1,200 for salt pond monitoring in 2010.

IV. Correspondence

A. Rochelle Levins - Westerly Town Band Contribution

– (on file). Rochelle suggested a contribution to the Westerly Town Band in appreciation of the concert they performed at Staley's Landing. A contribution was sent with funds from the Community Functions budget.

B. Rochelle Levins – Open Meetings – (on file)

Rochelle requested that all committee meetings be conducted in accordance with RI Open Meetings Act requirements. Counsel was sought out in this matter and opinions of Peter Ruggiero are included later in these minutes. In regard to her request to review files and records, a response was sent to Rochelle on August 30 offering the opportunity to review files of the SHFD.

C. Vincent E. Gallagher – Tree cutting – (on file)

In regard to the SHFD land at the Rossini access, the Gallaghers have paid legal costs incurred for advising SHFD about the district's rights. There is a difference of opinion between the SHFD BOG and the Gallaghers and no response is needed.

D. Harry Staley – SHFD Annual Meeting – (on file)

Correspondence was received from Harry Staley in regard to how the SHFD Annual Meeting was conducted. Tom Lloyd stated Harry's letter can be instructive to the SHFD Board of Governors, and referenced a specific point in the letter, further commenting that the Annual

Meeting needs to meet the needs of the residents and not be strictly controlled. John Bruno felt the meeting could afford to be more open. Mary Harrop thought there could be a longer discussion before we decide to table. The Moderator pointed out under the Parliamentary Rules the Annual Meeting follows, when two-thirds of assembled residents decide to table a motion there is no further discussion.

Explanation of Parliamentary rules will be provided to residents so they are aware of them.

E. Dado Ferrari – Beach issues – (on file)

Correspondence via email was received from Dado Ferrari about the beach. The Moderator suggested further discussion of this correspondence could be done later in the meeting under the Beach report.

V. Treasurer's Report – Report – (on file)

Glen Berwick shared his report with the SHFD BOG. On the profit and loss statement, there will be approximately \$6,000 profit. He further stated the Tennis Committee had an old bill of \$500 from last year that was paid this year, but there is still \$500 in the Tennis budget for this year. Glen asked to have the Treasurer's and Officers' stipends released and upon motion made and duly seconded, the motion carried with all in favor.

The Treasurer asked for a resolution to release funds for Dunn's

Corners Fire Department. Upon motion made and duly seconded, all voted in favor and the motion carried.

The Treasurer asked for a motion to pay the Nopes Island annual assessment of \$1,056. Upon motion made and duly seconded the SHFD BOG approved the payment.

A motion was made and duly seconded to accept the Treasurer's Report. The motion was approved unanimously.

VI. Tax Collector's Report – Report

Taxes were invoiced to all SHFD property owners at the end of August. Two deposits have been made for \$118,444 and \$29,947 for a total of \$148,400. There is \$34,500 still to be collected. A motion was made and duly seconded to accept the Tax Collectors report. The motion was unanimously approved.

VII. Committee Reports

A. Beach – Report

The Moderator asked Rhea to not have an end-of-season meeting due to the Open Meeting issues to be discussed later in this meeting. Instead, the Moderator asked to have the meeting during this BOG meeting.

Rhea reported there were no serious injuries or incidents. There was an event with a gentleman at beach who left before security arrived to

deal with him. The beach closed on September 3 for the hurricane, and for the season on Labor Day. The equipment has been washed and stored. Many residents and guests of the SHFD complimented the lifeguards. Some lifeguards expressed interest in returning next season. The SHFD Inn bus ran as usual. Rhea thanked her committee.

The Moderator read the correspondence from Mr. Ferrari, stopping to discuss each point. There was a long discussion with questions, comments, and concerns, each of which was addressed point by point. A letter from Kathleen Connolly, a SHFD resident, who couldn't be present at the meeting, was read by the Moderator.

The following list identifies points of interest and possible future action items for the SHFD BOG regarding the beach.

1. Several people had very positive things to say about the beach and the life guards. There were no major safety/water incidents during the 2010 beach season.

2. There is a need for further clarification about the guards' duties and management. Both guards and residents should understand what the

guard duties are (beyond saving lives) and who they report to on a daily basis.

3. Review and revise, if necessary, the written duties of the guards.

Arrange

for on-the-job reviews of the guards and their responsibilities periodically

during the season. Miscellaneous items in this context include beach cleanup,

clothing should be distinctive, and use bullhorn to announce opening and closing of the beach.

4. Develop guidelines for positioning of the guards at the beach. For example,

when should the guards be in the chair and/or at water's edge? If there are two

guards on duty, how should they coordinate positions and response to a problem?

5. There is an expectation on the part of some residents that guards will

perform services beyond guarding the beach. Prime examples are raking the beach and cleaning at Grove Dock. When should this be done and by whom? How to assure that there is not an accident in the water while guards are distracted by raking? Also mentioned was filling holes in the sand created by children digging.

6. If possible, compare pay ranges and benefits for guards at SHFD with those

at nearby beaches such as Shady Harbor, Weekapaug, Misquimicut, etc.

7. Various concerns about how the Beach Committee has functioned.

8. Questions were asked about why we sometimes have two guards at the beach and none at Grove Dock. Answer: This is a specific requirement by DEM. SHFD must have two surf-certified guards at the beach on weekends and when conditions require.

The Moderator stated that the BOG will work to address the issues in upcoming meetings and residents should come to participate.

B. Beanpot – No Report

C. Bylaws – No Report

D. Community Events – Report (on file)

Mary sent a calendar of events to the SHFD BOG and gave a preview of events at the meeting. The Golf Tournament needs a new chair and is open to the public; the Westerly Town Band concert is being looked at for a July performance; due to a lack of interest, the Tag Sale will likely skip a year, but it will be kept on the list of events, and it will be held in 2012; Book Swaps will continue 12 to 5 daily through

September 5 on Bev Howland's porch at 73 Gounod.

E. Financial Planning – No Report

F. Harbor Master – Report

John Bruno reported that the Grove Dock moorings have been plotted. SHFD is continuing to monitor the Town of Westerly Harbor Management process.

G. Roads – No Report

There was a question about roads with the gravel traveling to the edges. In the past it had been ground into the surface. Tom Lloyd asked if Mr. Ricci could come take a look at the roads. Jack Waters will ask Mr. Ricci to take a look at it. Glen Berwick asked if Rick Perry could raise the plow this winter.

H. Safety and Security – Report

Tom Lloyd met with the Police Chief and Town Manager regarding the speeders on Wagner Road and landscapers who park on the side of the road. A police car will be sent to patrol for speed enforcement and people running the stop signs on Wagner Road. Tom Lloyd asked for a list of landscapers from anyone who knows landscapers who work in SHFD, so that they can be invited to a meeting by the Police Chief in the spring of 2011. The Police Chief asked Tom to distribute to residents 1) a Code Red registration flyer which can be used to inform residents of emergency situations and 2) a registration form which will be used by the Westerly police to inform residents of

important public emergency events. Both programs are voluntary and the forms are attached and on the SHFD website.

The Moderator asked Tom Lloyd to note that lifeguards are giving passes to non-residents and to consider another system for beach security.

I. Tennis – Report

Helen Romano reported on the status of quotes for drainage around, and repair of, a tennis court post that showed signs of heaving out of the ground. The SHFD BOG agreed upon a \$1,500 expenditure to address drainage, and \$1,200 for fixing the post (if put in writing by the contractor, Mr. Hinding.) Upon motion made and duly seconded, the motion was approved. Peter Ruggiero suggested looking for minutes of the meeting that authorized the contract on the courts.

*******At this point in the SHFD BOG Meeting, the Moderator proposed moving two agenda items forward: the Graham/SHFD boundary tree cutting plan under Old Business and Election of Vice Moderator under New Business.*******

A proposal from Kate and Stewart Graham was received and is on file. The proposed plan was discussed. Upon motion duly made and seconded to approve the plantings as described in the plan was duly

seconded. Further discussion included requesting a planting plan be provided as a reference and a warranty in writing be secured. The motion passed unanimously.

The Election of Vice Moderator under “New Business”

John Bruno nominated Tom Lloyd and Mary Harrop duly seconded the nomination. All voted in favor.

VIII. Old Business

A. Gallagher (Correspondence Received)

See “Correspondence”

B. Graham/SHFD boundary tree cutting plan

See above.

C. SHFD Fire Protection Contract

Held over to the November 20, 2010 SHFD Meeting.

IX. New Business

A. Election of Vice Moderator

See above.

B. Westerly Town Band Contribution

A contribution was made from the Community Functions Committee.

See “Correspondence” above.

C. Committee Structure and Function

Peter Ruggiero reviewed the SHFD Bylaws and Act of Incorporation. He stated that it is the Moderator's responsibility to appoint committees. Some committees will come to the SHFD BOG meetings to discuss their reports. Some committees may need to post agendas on the state website for Open Meetings.

If a body is required to post notices, as SHFD is, then a committee has to post its notices because SHFD committees work for the SHFD. A meeting has to be held in a public place. A committee can be held in a private home, but all ADA compliances need to be made for those coming. A public meeting is a meeting where the public can attend, but not necessarily participate.

Duties of committees are established under the Bylaw Committee. SHFD needs to find the documents under the bylaws to see what the responsibilities are of the several groups serving as committees. If there is an ad hoc group that works under the board, they don't have to post agendas for meetings. The Secretary of State will train people.

The Moderator said if there are charters, SHFD needs to find them. The SHFD BOG will meet and decide which of our current committees need to be committees going forward. Those that continue will need to follow Open Meetings requirements. The Moderator said all of these things need to be worked out.

D. Sign for Entrance to the Finn M. W. Caspersen Forest
Held over to the November 20, 2010 SHFD Meeting.

E. Tabled Motion Regarding Zoning Violations
Held over to the November 20, 2010 SHFD Meeting.

F. Community Survey
Held over to the November 20, 2010 SHFD Meeting.

X. Public Comment

Harriet Lloyd suggested a subcommittee be formed to explore or research how Shady Harbor Fire District and Weekapaug Fire District handle their lifeguards and work together with them. In addition, Shelter Harbor and the other Fire Districts may consider hiring one senior level guard to manage all of the guards. There should never be any layers of approval between a lifeguard and the security staff; never should a lifeguard need to ask a committee member for approval to call security.

Betty Waters suggested finding the committee descriptions from around the time the Bylaws Committee was active and when there were two meetings and not one. (Committee Structure and Function)

Jim Levins wants to have it as part of the record that he would like to be a member of the Beach Committee.

Dado Ferrari said his letter was not the only complaint about the Beach Committee and wanted to know that the issue would be addressed. Dado wanted on record that he would like to volunteer for the Beach Committee

Jayne Staley is concerned about the notification of SHFD BOG meetings. It might be advisable to have an email about notice of BOG Meetings. While Elly Heyder puts the meetings on the website, Jayne said there is a serious communication problem. What could have avoided the issue with the three motions? People didn't know what they were voting on. Jayne stated that in the past there were two meetings (in the summer). One meeting was to explain issues and communicate while the other was to vote on the motions. Harry Staley did not have the opportunity to explain his motion fully.

Sharon Mueller said our community is getting so large that maybe we should look at Weekapaug's security model. Maybe it's time to take a look at hiring a security/beach manager, someone who could monitor the parking lots, work at the beach, and be available to answer questions and give direction, rather than looking for beach committee members.

XI. Adjournment

A motion was made and duly seconded to continue the agenda on November 20, 2010. Upon motion made and duly seconded, it was

unanimously approved to adjourn the meeting.

The next SHFD BOG meeting will be on November 20, 2010.

**Recorded by
Nonie Price, Clerk**